

**STAFF REPORT  
ZONING BOARD OF ADJUSTMENT  
Thursday, August 16, 2018  
9:00 a.m.  
Room 105 Courthouse Annex  
Cascade County Commissioners Chambers**

**Variance request**

**Subject Property Information**

Name & Address of Applicant	Glenda Arps 7 Irish Ln Great Falls, MT 59405
Name & Address of Owner	Glenda Arps 7 Irish Ln Great Falls, MT 59405
Geo Code:	02-3015-25-4-05-01-0000
Parcel Number:	0002458908
Existing Zoning:	Suburban Residential One (SR1) District
Legal Description:	Section 25, Township 20 N, Range 03 E
Requested Action and Purpose:	Variance request to reduce front yard setback
Total Land Area:	11.760 Acres
Adjacent Land Uses & Zoning:	North: Suburban Residential One South: Suburban Residential One West: Suburban Residential One East: Suburban Residential One
Current Land Use:	Residential
Applicable Regulations:	Sections 7.1.0.3 and 9.5 of the Cascade County Zoning Regulations

**Special Information**

1. Section 7.1.0.3 (2) of the Cascade County Zoning Regulations provides the following required setbacks for side yards in Residential Districts:
  - (2) *Front Yard*  
*The front yard shall not have a depth of less than thirty (30) feet.*
2. The following definition is taken from the Cascade County Zoning Regulations:

## VARIANCE

*A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.*

3. Section 9.5.4 of the Cascade County Zoning Regulations requires the concurring vote of three members of the Zoning Board of Adjustment in order to approve a variance request.

## Analysis

The applicant is requesting a variance to allow a side yard setback of 20 feet.

### **(1) The variance is not contrary to the public interest.**

***The Applicant responded:** Variance Request for 20' setback from property line for addition to house will not be contrary to public interest as follows: no access blocked, no obstructions to roadway, no increase of traffic, for private use only, and compliant with powerline setbacks.*

Staff agrees that the addition to the home with a twenty (20) foot set back should not positively or negatively affect the public interest. A 20' foot set back should not interfere with site distances or traffic, Irish Lane does is not a heavily traveled road.

### **(2) A literal enforcement would result in an unnecessary hardship, owing to conditions unique to the property.**

***The Applicant Responded:** 20' setback from Irish Lane Vs. 30' allows building addition to remain within close proximity to house for ability to attach. In addition, 30' setback puts the addition close to flood plain where 20' set back would not.*

A literal enforcement of the 30' setback would put the building closer to the floodplain but there would still be over 100' between the Special Flood Hazard Area and the structure. If the structure was to be placed in an alternate location on the property the applicant would likely have to bring in fill due to the topography of the parcel. The applicant has inquired multiple times on how to put an additional structure onto the property. A portion of the property is located within the Special Flood Hazard Area of the floodplain. The applicant also has an agricultural covenant on their parcel to the north. To have that covenant lifted the applicant would have to go through subdivision review which would then lead them to have to make all of the floodplain on the parcel be rezoned to Open Space. Doing that would restrict all future development on that parcel making it unable to be developed while a large shop/arena occupies a large portion of the area out of the 100 year floodplain.

**(3) The spirit of this Section would be observed and substantial justice done by granting the variance.**

***The Applicant Responded:*** *This allows us to build the addition to house within close proximity and keeps it out of flood plain.*

Staff feels that allowing the applicant to have a reduce front yard setback would not create any issues with traffic. The existing topography and current land use (horse stables) restricts development to this small location of the property where the variance is requested, as this location has flat topography to accommodate a large structure.

**Motions:**

The following motions are provided for the Board's consideration:

1. the variance to allow for a reduced front yard setback to twenty (20) feet for an addition to the residence on parcel #0002458908 be **denied**,  
or
2. the variance to allow for a reduced front yard setback to twenty (20) feet for an addition to the residence on parcel #0002458908 be **approved** subject to the following condition:
  - a. The applicant will ensure compliance with all County, State or Federal permits prior to commencing with construction on the subject property.
  - b. Applicant must obtain approval from the Cascade City/County Health Department prior to increasing wastewater flows by adding a bathroom or any type of facilities if applicable.

Attachments:       Variance Application  
                              Zoning Map